on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Eurocopter Deutschland GmbH (ECD): Docket No. 94–SW–19–AD.

Applicability: Model MBB–BK 117 A–1, A–3, A–4, B–1, B–2, and C–1 helicopters, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect movement of a balance weight, severe vibrations, and a subsequent precautionary landing, accomplish the following:

(a) Within the next 5 hours time-in-service (TIS) after the effective date of this AD, and thereafter, at intervals not to exceed 50 hours TIS, visually inspect the upper and lower surface of the main rotor blades (blades) in the area of the outboard lead balance weight in the marked inspection area for signs of bulging, in accordance with Paragraph 2.A. of the Accomplishment Instructions of Eurocopter Deutschland GmbH (ECD) Alert Service Bulletin ASB–MBB–BK 117–10–108, Revision 1, dated October 14, 1994.

(b) If a marked inspection area is not visible, mark the area in accordance with Paragraph 2.A. of the Accomplishment Instructions of Eurocopter Deutschland GmbH (ECD) Alert Service Bulletin ASB-MBB-BK 117–10–108, Revision 1, dated October 14, 1994, and then inspect in accordance with paragraph (a) of this AD.

(c) If bulging exceeds 1mm in height, remove the blade and replace it with an airworthy blade in accordance with the applicable maintenance manual.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Rotorcraft Standards Staff, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on February 6, 1995.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95–3514 Filed 2–10–95; 8:45 am]

BILLING CODE 4910–13–P

---

14 CFR Part 39

[Docket No. 93–NM–219–AD]

Airworthiness Directives; Lockheed Model L–1011–385–1 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Lockheed Model L–1011–385–1 series airplanes. This proposal would require implementation of a Supplemental Inspection Document (SID) program of structural inspections to detect fatigue cracking, and repair, if necessary, to ensure continued airworthiness of these airplanes as they approach the manufacturer's original fatigue design life goal. This proposal is prompted by a structural re-evaluation by the manufacturer that identified certain structural details where fatigue damage is likely to occur. The actions specified by the proposed AD are intended to prevent fatigue cracking that could compromise the structural integrity of these airplanes.

DATES: Comments must be received by April 10, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–219–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Lockheed Aeronautical Systems Support Company, Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia.

FOR FURTHER INFORMATION CONTACT: Thomas Peters, Aerospace Engineer, Flight Test Branch, ACE–160A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7367; fax (404) 305–7348.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report

summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 93–NM–219–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–219–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

In April 1988, a transport category airplane managed to land after tiny cracks in rivet holes in the upper fuselage linked together, causing structural failure and explosive decompression. An 18-foot section ripped from the fuselage. This accident focused greater attention on the problem of aging aircraft.

In June 1988, the FAA sponsored a conference on aging airplane issues, which was attended by representatives of the aviation industry from around the world. It became obvious that, because of the tremendous increase in air travel, the relatively slow pace of new airplane production, and the apparent economic feasibility of operating older technology airplanes rather than retiring them, increased attention needed to be focused on this aging fleet and maintaining its continued operational safety.

The Air Transport Association (ATA) of America and the Aerospace Industries Association (AIA) of America committed to identifying and implementing procedures to ensure continued structural airworthiness of aging transport category airplanes. An Airworthiness Assurance Working Group (AAWG), with representatives from the aircraft operators, manufacturers, regulatory authorities, and other aviation representatives, was originally established in August 1988. The objective of the AAWG was to sponsor ''Task Groups'' to:

1. Select service bulletins, applicable to each airplane model in the transport fleet, to be recommended for mandatory modification of aging airplanes,

2. Develop corrosion directed inspections and prevention programs,

3. Review the adequacy of each operator's structural maintenance program,

4. Review and update the Supplemental Inspection Documents (SID), and

5. Assess repair quality.

The Task Group assigned to review Lockheed Model L–1011–385 series airplanes completed its work on Item 1 (mandatory structural modifications), above, in June 1990. The Task Group's recommendations are contained in Revision 1 of Lockheed Service Bulletin 093–51–035, ''Structures—Aging Aircraft Structural Modifications and Inspections—Collector Service Bulletin,'' dated December 16, 1991. The FAA issued AD 94–05–01, amendment 39–8839 (59 FR 10275, March 4, 1994), which mandates the installation of the modifications specified in that document.

The Task Group completed its work on Item 2 (corrosion-directed inspections) and developed a baseline program for controlling corrosion problems that may jeopardize the continued airworthiness of the Lockheed Model L–1011 fleet. This program is contained in Lockheed Document Number LR 31889, ''Corrosion Prevention and Control Program, TriStar L–1011,'' dated March 15, 1991. The FAA issued AD 93–20–03, amendment 39–8710 (58 FR 60775, November 18, 1993), which requires the implementation of a corrosion prevention and control program.

The Task Group completed its work on Item 4 (Supplemental Inspection Document) in May 1993 and developed a program for the implementation of a SID program identified in Lockheed Document Number LG92ER0060, ''L–1011–385 Series Supplemental Inspection Document,'' revised January 1994, which recommends structural inspections of older airplanes. The Task Group has identified certain service difficulties that warrant mandatory inspections following mandatory modification of these airplanes. The Task Group considers that these service difficulties can be controlled safely by repetitively inspecting following modification of these airplanes, and that, because of the safety implications, the inspections should be mandatory to assure that all operators perform them. Typically, the addressed unsafe conditions (i.e., fatigue cracking) have occurred infrequently on older airplanes, and the Task Group has a very high degree of confidence in the ability of an inspection program to detect the damage before it impairs safety.

Explanation of Service Information

Lockheed Document Number LG92ER0060, ''L–1011–385 Series Supplemental Inspection Document,'' revised January 1994 (hereafter referred to as ''the Lockheed Document''), is the result of a structural re-evaluation conducted by Lockheed. The criteria that were used for this re-evaluation are contained in FAA Advisory Circular (AC) 91–56, ''Supplemental Structural Inspection Program for Large Transport Category Airplanes,'' and Federal Aviation Regulation 25.571 (14 CFR 25.571), amendment 25–45. During this structural re-evaluation, Lockheed examined Structurally Significant Details (SSD), which are structural parts and components that carry significant ground, flight, cabin pressure, or control loads whose failure could affect the safety of the aiplane. From these SSD's, Lockheed identified candidate locations for supplemental inspections that have been incorporated into the Lockheed Document.

The Model L–1011–385–3 series airplanes were excluded from this re-evaluation. These newer, long-range airplanes fly less frequently and are neither imminently approaching nor have they exceeded the manufacturer's original fatigue design life goal. (However, as these airplanes accumulate more hours time-in-service, and as the critical area selection is developed and identified, the FAA anticipates that these airplanes will be addressed in future rulemaking actions.)

Specifically, the Lockheed Document describes procedures for supplemental inspections of SSD's for Model L–1011–385–1 series airplanes. This Lockheed Document identifies SSD's in 13 fuselage, one stabilizer, and 14 wing critical areas. The Document also specifies that operators submit the results of these inspections to Lockheed.

The Task Group has reviewed the Lockheed Document, and has recommended it to the FAA for mandatory inspection following mandatory modification to ensure the successful long-term operation of Lockheed Model L–1011–385 series airplanes. The FAA has concurred with the Task Group's recommendations and has determined that AD action is warranted to mandate the inspections and modifications to ensure the continued airworthiness of the Model L–1011–385 fleet. Fatigue cracking in the SSD's specified in the Lockheed Document, if not detected and corrected in a timely manner, could compromise the structural integrity of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a revision to the FAA-approved maintenance inspection program to include a SID program of structural inspections. The intent of these inspections is to detect fatigue cracking in order to ensure continued airworthiness as these airplanes approach the manufacturer's original fatigue design life goal.

Specifically, this proposal would require that the initial inspection for each individual SSD be performed within one ''repeat interval'' after the effective date of the AD or prior to the threshold specified in the Lockheed Document, whichever occurs later. This proposal would provide operators with time for planning and scheduling by granting a deviation of 10 percent for the interval specified in the Lockheed Document for subsequent repetitive inspections. This action also would require that the results of the inspections be reported to Lockheed. These actions would be required to be accomplished in accordance with the Lockheed Document described previously.

This proposal also would require that any cracking detected be repaired either in accordance with the appropriate information referenced in the Lockheed Document, in accordance with the Structural Repair Manual, or in accordance with a method approved by the FAA.

Economic Impact Information

There are approximately 186 Lockheed Model L–1011–385–1 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 100 airplanes of U.S. registry would be affected by this proposed AD. Incorporation of the SID into an operator's maintenance program would take approximately 550 work hours, and the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD to incorporate the SID into an operator's maintenance program is estimated to be $33,000 per operator.

Initially, the FAA estimates that it would take 293 work hours to accomplish the 28 inspections specified in the SSID, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD for the first year is estimated to be $1,758,000, or $17,580 per airplane.

However, the FAA has been advised that the terminating modification for SSD 53–2–1, which is described in the Lockheed Document, has been accomplished by the entire L–1011–385–1 fleet. Therefore, the inspections for SSD 53–2–1, which would have required 48 work hours per airplane to accomplish, will not need to be performed. In light of this, the cost impact for the initial inspections contained in this proposal is now only $1,470,000, or $14,700 per airplane.

The recurring inspection cost impact on the affected operators is estimated to be 52 work hours per airplane at an average labor cost of $60 per work hour. Based on these figures, the annual recurring cost of this AD is estimated to not exceed $312,000 for the affected U.S. fleet, or $3,120 per airplane.

Based on the above figures, the total cost impact of this AD for the first year is estimated to not exceed $47,700 per airplane, and $2,820 per airplane for each year thereafter.

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this proposed AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this proposed AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the proposed actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this proposed AD would be redundant and unnecessary.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Lockheed: Docket 93–NM–219–AD.

Applicability: Model L–1011–385–1, –385–1–14, and –385–1–15 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking that could compromise the structural integrity of these airplanes, accomplish the following:

(a) Within 6 months after the effective date of this AD, incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection(s) of

the structurally significant details (SSD) defined in Lockheed Document Number LG92ER0060, ''L–1011–385 Series Supplemental Inspection Document,'' revised January 1994.

(1) The initial inspection for each SSD must be performed within one repeat interval after the effective date of this AD, or prior to the threshold specified in the Lockheed Document for that SSD, whichever occurs later.

(2) A 10 percent deviation from the repetitive interval specified in the Lockheed Document for that SSD is acceptable to allow for planning and scheduling time.

(3) If the Lockheed Document specifies that inspection of any SSD be performed at every ''C'' check, those inspections must be performed at intervals not to exceed 5,000 hours time-in-service or 2,500 flight cycles, whichever occurs earlier.

(4) If the Lockheed Document specifies either the initial inspection or the repetitive inspection intervals for any SSD in terms of flight hours or flight cycles, the inspection shall be performed prior to the earlier of the terms (whichever occurs first on the airplane: either accumulated number of flight hours, or accumulated number of flight cycles).

(5) The non-destructive inspection techniques referenced in Appendix VI of the Lockheed Document (Revision A of Lockheed Drawing 1647194) provide acceptable methods for accomplishing the inspections required by this AD.

(b) If any cracking is found in any SSD, prior to further flight, repair in accordance with either paragraph (b)(1), (b)(2), or (b)(3) of this AD:

(1) In accordance with the applicable service bulletin referenced in Lockheed Document Number LG92ER0060, ''L–1011–385 Series Supplemental Inspection Document,'' revised January 1994; or

(2) In accordance with the Structural Repair Manual; or

(3) In accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

(c) Within 30 days after returning the airplane to service, subsequent to accomplishment of the inspection(s) specified in Lockheed Document Number LG92ER0060, ''L–1011–385 Series Supplemental Inspection Document,'' revised January 1994, submit a report of the results (positive or negative) of the inspection(s) to Lockheed in accordance with Section V., Data Reporting System (DRS), of the Lockheed Document. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 7, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–3515 Filed 2–10–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 6, 18, 19, 20, 21, 22, 23, 26, 27, 29, 33, and 35

RIN 1219–AA87

Testing and Evaluation by Nationally Recognized Testing Laboratories and Use of Equivalent Testing and Evaluation Requirements

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice to extend period for public comment.

SUMMARY: Due to requests from the public, the Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding its proposed rule for testing and evaluation by nationally recognized testing laboratories and the use of equivalent testing and evaluation requirements.

DATES: Written comments must be received on or before February 21, 1995.

ADDRESSES: All comments should be sent to Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

SUPPLEMENTARY INFORMATION: On November 30, 1994, MSHA published a proposed rule (59 FR 61376) to establish new procedures and requirements for testing and evaluation of certain products MSHA approves for use in underground mines. The comment period was scheduled to end on February 13, 1995.

In response to requests from the public, MSHA is extending the time for commenting on this proposed rule to February 21, 1995. All interested members of the mining community are encouraged to submit comments prior to that date.

Dated: February 8, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 95–3596 Filed 2–10–95; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–94–093]

RIN 2115–AE47

Drawbridge Operation Regulations; Mullica River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of Burlington County, New Jersey, the Coast Guard is considering a change to the regulations governing operation of the Lower Bank bridge over the Mullica River at mile 15.0 between Atlantic and Burlington Counties, New Jersey. This change will extend the existing winter seasonal restrictions into April and require four hours advance notice of all bridge openings during this period. This change is being proposed because there have been few requests for bridge openings during the winter months. The proposed change, if adopted, will relieve the bridge owner of the responsibility of having a bridgetender constantly on duty during a time of year when there is no demonstrated need for one, and will still provide for the reasonable needs of navigation throughout the year.

DATES: Comments must be received on or before May 15, 1995.

ADDRESSES: Comments may be mailed to Commander (ob), Fifth Coast Guard District, c/o Commander (obr), First Coast Guard District, Bldg. 135A, Governors Island, New York 10004–5073. The comments will become part of this docket and will be available for inspection and copying by appointment at Bldg. 135A, Governors Island, New York 10004–5073. Normal office hours are between 7 a.m. and 3:30 p.m., Mondays through Fridays, except Federal holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Gary Kassof, Bridge Administrator—NY, Fifth Coast Guard District, (212) 668–7170.